

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:3629
ANSWERED ON:11.12.2009
AMENDMENTS IN DRUGS AND MAGIC REMEDIES ACT
Adhalrao Patil Shri Shivaji

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) whether the Government proposes to amend Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954;
- (b) if so, the details thereof;
- (c) whether any committee has been set up for the purpose;
- (d) if so, the details thereof and the recommendations made in this regard; and
- (e) the action taken by the Government thereon?

Answer

THE MINISTER OF HEALTH & FAMILY WELFARE (SHRI GHULAM NABI AZAD)

(a) to (d): With a view to review the provisions of the Drugs & Magic Remedies (Objectionable Advertisement) Act, 1954 to make it responsive to the present day needs, and to exercise effective control over advertisements of medical products an Expert Committee under the Chairmanship of Dr. Ranjit Roy Chowdhary, Emeritus Scientist, National Institute of Immunology, New Delhi, was constituted. The major recommendations of the Committee are as follows:

- (i) 'Treatment' may be brought within the scope of the Act, by incorporating suitable changes in the preamble of the Act.
 - (ii) Definition of 'Treatment' may be incorporated under Section 2 of the Act.
 - (iii) Definition of 'Advertisement' may be amended to specifically cover advertisement through the electronic media.
 - (iv) Definition of 'Registered Medical Practitioner' may be simplified.
 - (v) The advertisements in which claims to offer treatment or cure for diseases specified in the Schedule to Act/Rules, may be prohibited.
 - (vi) The quantum of punishment may be enhanced and minimum sentence and fine that may be imposed by the court may be prescribed.
 - (vii) A new section which casts statutory obligation on every person taking part in publication of advertisement to furnish information to the authorized officers in respect of the same may be inserted.
 - (viii) The authorized officers may be made liable for vexatious action by inserting Section 10A.
 - (ix) The present schedule may be deleted and a revised list of diseases, disorders and conditions, in line with 'Schedule J' to the Drugs and Cosmetics Rules, 1945 to be brought under the Rules framed under DMR(OA) Act.
- (e) No decision has been taken by the Government on the recommendations of the Expert Committee.